

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:) CASE NO. 10-93904-BHL-11
)
EASTERN LIVESTOCK CO., LLC,)
)
Debtor.)
)

AFFIDAVIT OF DANIEL J. DONNELLON

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

1. I am a partner in the law firm Faruki Ireland & Cox LLP and in that capacity serve as trial counsel to The First Bank & Trust Company (the "First Bank") in matters relating to Eastern Livestock, LLC and affiliates. I make this affidavit upon my own personal knowledge except where specifically stated to be upon information and belief. I am over 18 years of age and I am competent to testify to the matters set forth.

2. In early November, 2010, the First Bank retained Faruki Ireland & Cox LLP to represent it in relation to a state court receivership action in Hamilton County, Ohio filed by Fifth Third Bank ("Fifth Third"). Before retaining this law firm, the First Bank contacted no less than five separate law firms in the region each of whom claimed they could not represent the First Bank due to active legal work for Fifth Third which presented a conflict. The First Bank then called my partner, Charles J. Faruki, for

Exhibit A

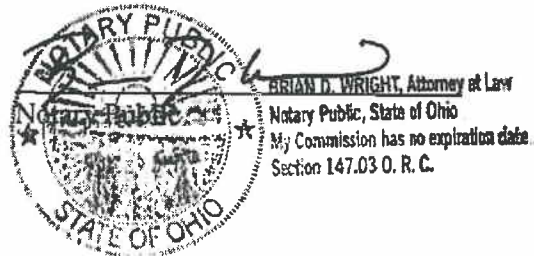
potential representation. Faruki Ireland & Cox LLP specializes only business litigation and, therefore, avoids the many client conflicts that arise from other practice areas having client relationships with opposing parties. Thus, Faruki Ireland & Cox had no allegiance to Fifth Third that would prevent such representation.

3. Faruki Ireland & Cox immediately recognized the potential need for bankruptcy counsel, likely in the central or southern Indiana area, before any such petitions were filed and while we were actively seeking on behalf of First Bank to intervene in the state court action. Mr. Faruki and I spoke to a total of eight to ten different law firms in an effort to secure representation for our client the First Bank. On each occasion, we were told the firms had irreconcilable conflicts due to active or significant representation of Fifth Third.

4. John Burns of Baker & Daniels was among the very first calls Faruki Ireland & Cox made in this process. Mr. Burns is a bankruptcy lawyer and listed as one of 12 partners in the Baker and Daniels Bankruptcy Practice area on the firm's website. Mr. Burns did not immediately decline to represent First Bank; but rather stated that he was aware of some work Baker & Daniels did for Fifth Third and had to check with others to see whether a conflict existed. Mr. Burns later reported that Baker & Daniels could not represent the First Bank in any bankruptcy proceeding relating to Eastern Livestock due to an actual conflict with Baker & Daniels' representation of Fifth Third. Indeed, the Baker & Daniels website actively lists Fifth Third Bank among a list of "Representative Clients" for its Banking & Finance practice area. See Exhibit 1, attached.


Daniel J. Donnellon

Before me appeared Daniel J. Donnellon this 10th day of January, 2011,
who acknowledged under oath that the above statements are true, except as to those
statements expressly made on his knowledge, information and belief.



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Wells Fargo

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Exhibit 1